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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC PRIORITY 5985
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBY/AMEMBASSY CANBERRA PRIORITY 1073
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 1695
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RHHJJPI/USPACOM HONOLULU HI PRIORITY
RHMCSUU/FBI WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L JAKARTA 002376

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DEPT FOR EAP, EAP/MTS, S/CT, INL FOR BOULDIN
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR
LEHMANN/ALEXANDRE/BERMAN
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC

E.O. 12958: DECL: 08/27/2017

TAGS: [PTER](#) [PGOV](#) [KJUS](#) [ASEC](#) [CASC](#) [ID](#)

SUBJECT: BALI BOMBER DEATH SENTENCES REPORTEDLY UPHELD

REF: A. JAKARTA 138

[1](#)B. 06 JAKARATA 10037

Classified By: DCM John Heffern, for reasons 1.4(b) and (d).

[1](#)1. (C) A reliable source at the Supreme Court has told us that the Court has denied the Judicial Review request submitted by Amrozi bin Nurhasyim, Imam Samudra and Ali Gufron alias Muklas. The three men were sentenced to death in 2003 for their roles in the 2002 Bali bombings. The Court has declined to confirm the report, and the decision reportedly will not be made public for another month. If the report is true, the decision would mean that all legal avenues of appeal for the three bombers are now exhausted.

[1](#)2. (U) Lawyers from the Muslim Defense Team (TPM) representing the three men submitted the request for Judicial Review in September 2006, just weeks after the Attorney General's Office threatened to proceed with their execution (ref B). The TPM had an opportunity to make oral arguments in a Bali court in January but chose instead to walk out of the session on grounds that their motion to move the court venue to Central Java had been ignored (ref a).

[1](#)3. (C) The TPM's Judicial Review request argued that the convictions should be overturned because the men had been convicted under a retroactive provision of the 2003 Anti-Terror Law. The retroactive provision was eventually annulled by a 2004 Constitutional Court (CC) ruling. At that time, Supreme Court Chief Justice Bagir Manan stated publicly that under Indonesian law the CC's 2004 decision did not require that convictions won prior to that decision be invalidated. The current decision, if true, would confirm this principle. Moreover, the original trials were by all accounts fairly conducted and there is no doubt that the three men played a direct role in the bombings.

HUME